

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. R1-2003-0088

For

KFD Enterprises, Incorporated

dba

Norman's Dry Cleaners and Laundry
2907 E Street
Eureka, California

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, hereinafter Regional Water Board, finds that:

1. KFD Enterprises, Incorporated operates Norman's Dry Cleaners and Laundry located at 2907 E Street in Eureka, California, identified as Assessor Parcel Nos. 10-252-020, 10-252-021, and 10-252-022, hereinafter Site, (**Attachment A**). The cleaning solvent tetrachloroethene (PCE) is used in the fabric cleaning process at the site. Site operations include a dry-to-dry cleaning system. From 1980 until approximately 1984, during operation of the dry-to-dry system, used filters and still wastes containing PCE were discarded at the rear of the building in a dumpster for disposal at the local landfill. Since 1984, the used filters and still waste have been transported and recycled by Safety Kleen Corporation.
2. From 1964 to 1979 Unocal Corporation (Unocal) operated a petroleum retail sales facility at the Site. Petroleum underground storage tanks were removed from the Site prior to 1979. No environmental sampling was conducted at the time of tank removal. KFD Enterprises, Incorporated (KFD) purchased the Site from Unocal in 1979 and constructed the present building, which houses a dry cleaning facility with office space on the second story.
3. In April of 1998, consultants for KFD installed seven borings to ascertain the impact on soil and groundwater from any potential discharges associated with historical petroleum resale operations and dry cleaning operations. Soil samples were collected at depths of five-and-one-half feet below the ground surface with laboratory analytical results indicating PCE at 90 parts per billion (ppb). Laboratory analytical results from a grab groundwater sample from boring B-7 indicated 880 ppb of PCE, and 60 ppb of the breakdown compounds trichloroethene (TCE) and cis-1,2-dichloroethene (DCE). Laboratory analytical results from a grab groundwater sample from boring B-1 indicated 75 ppb of benzene, and 1,300 ppb of xylene.
4. On May 22, 2000, Unocal assumed responsibility for investigation of the petroleum-retail-sales-related discharges at the Site after being informed of the 1998 findings by Mr. Kenneth Daer of KFD. At this time, KFD assumed responsibility for the investigation and cleanup of the cleaning solvent PCE and its breakdown products.

5. On October 17, 2000, consultants for Unocal installed a monitoring well at the site. Laboratory analytical results for groundwater from monitoring well MW-1 indicated 95 ppb of Total Petroleum Hydrocarbons (TPH) as gasoline. On October 20, 2000, consultants for Mr. Daer installed two monitoring wells at the site. Laboratory analytical results for groundwater from monitoring well MW-2 indicated 1.3 ppb of PCE. Laboratory analytical results for groundwater from monitoring well MW-3 indicated 6,600 ppb of TCE, 150 ppb of DCE, and 9,600 ppb of TPH-gasoline.
6. On June 25, 2002, Regional Water Board staff obtained grab groundwater samples from four monitoring wells located at 414 Harris Street in Eureka. Laboratory analytical results indicated 0.36 ppb PCE and 0.61 ppb of TCE. The monitoring wells are located approximately 1,000 feet to the south of the Site. There are no identified dry cleaning operations or other operations that may use PCE between the Site and the monitoring wells located at 414 Harris Street in Eureka.
7. Unocal is continuing to investigate the petroleum-retail-sales-related discharges at the Site and has recently installed additional wells adjacent to the Site.
8. KFD Enterprises, Incorporated and Norman's Dry Cleaners and Laundry are hereinafter referred to as the "Dischargers" for the cleanup and abatement of discharges of the cleaning solvent PCE and the associated breakdown products.
9. The Site is located in Eureka approximately 1.5 miles east of Humboldt Bay and overlies shallow groundwater, which is approximately five feet below the surface. Groundwater emerges at the ground surface in a steep canyon approximately 1000 feet to the southwest of the site.
10. The beneficial uses of shallow areal groundwater include:
 - a) domestic water supply
 - b) agricultural supply
 - c) industrial supply
11. The beneficial uses of Humboldt Bay include:
 - a) industrial supply
 - b) navigation
 - c) water contact recreation
 - d) non-contact water recreation
 - e) ocean commercial and sport fishing
 - f) saline water habitat
 - g) wildlife habitat
 - h) preservation of rare and endangered species
 - i) marine habitat
 - j) fish migration
 - k) fish spawning
 - l) shellfish harvesting

12. The Dischargers named in this Order have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threaten to create, a condition of pollution or nuisance. The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and has impaired water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
13. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup activities at this Site must comply with Title 23, Chapter 15 of the California Code of Regulations (Chapter 15), which regulates the disposal of wastes to land. Cleanup to background levels is the presumptive standard. Alternative cleanup levels greater than background concentrations shall be permitted only if the Dischargers demonstrate that: it is not feasible to attain background levels; the alternative cleanup levels are consistent with the maximum benefit to the people of the State; alternative cleanup levels will not unreasonably affect present and anticipated beneficial uses of such water; and they will not result in water quality less than prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board. Any proposed alternative that will not achieve cleanup to background levels, must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedence of background levels (SWRCB Res. Nos. 68-16 and 92-49, Title 23, California Code of Regulations Section 2550.4, subds. (c), and (d)).
14. Water quality objectives exist to ensure the beneficial uses of water. Several beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. A listing of the water quality objectives for waters of the State impacted by discharges from the Site is included as **Attachment B** to this Order.
15. Discharge prohibitions contained in the Basin Plan apply to this Site. State Water Resources Control Board Resolution 68-16 applies to this Site. State Water Resources Control Board Resolution 92-49 applies to this Site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."
16. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304(c)(1) of the California Water Code.
17. The workplans and reports required by this Order are necessary to ensure that the prior harm and future threat to water quality created by the discharges described above are properly abated and controlled. More detailed information is available in the Regional Water Board's public file on this matter.

18. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the Site shall comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq. (CEQA)).
19. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with Title 14, California Code of Regulations, Sections 15308 and 15321.
20. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to Water Code Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.
21. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such requests must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Sections 13267(b) and 13304, the Dischargers shall cleanup and abate the discharge and threatened discharge of cleaning solvents forthwith and shall comply with the following provisions of this Order:

1. All work performed at this Site shall be conducted in accordance with all local ordinances under the direction of a California Registered Geologist or Registered Civil Engineer experienced in chlorinated solvent pollution investigation and cleanup. All necessary permits shall be obtained.
2. By September 15, 2003, submit a workplan for the complete horizontal and vertical definition of soil and groundwater contamination at the Site. The workplan shall be implemented within 45 days of Executive Officer concurrence.

3. By January 15, 2004, submit a report of fieldwork completed under Provision 2 to the Executive Officer.
4. By July 15, 2004, submit a feasibility study and/or remedial action plan for the Site to the Executive Officer for concurrence. Within 45 days following Executive Officer concurrence with a final remedial alternative, submit a corrective action workplan and schedule for implementing the selected cleanup and abatement alternative.
5. Within 30 days following Executive Officer concurrence, initiate the permitting process, as needed, to implement the approved corrective action workplan. Implementation of corrective actions shall commence no later than 30 days following receipt of required permits. The Dischargers shall implement the corrective action workplan in accordance with the schedule concurred by the Executive Officer.
6. The Dischargers shall promptly pay in accordance with the invoicing instructions all invoices for Regional Water Board oversight.
7. If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule contained in this Order or submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request in writing, an extension of time as specified. The extension request must be submitted 5 days in advance of the due date and shall include justification for this delay including the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. A written extension may be granted for good cause, in which case the Order will be revised accordingly.

Ordered by _____
Susan A. Warner
Executive Officer

July 28, 2003